

1 DAVID A. HUBBERT
Acting Assistant Attorney General

2 E. CARMEN RAMIREZ
3 Trial Attorney, Tax Division
4 U.S. Department of Justice
5 P.O. Box 683
6 Washington, D.C. 20044
7 202-616-2885 (v)
8 202-307-0054 (f)
9 E.Carmen.Ramirez@usdoj.gov

7 Of Counsel:
STEVEN W. MYHRE
8 Acting United States Attorney

9 *Attorneys for the United States*

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA

12 WILLIAM YOUNG,)	
)	Case No. 2:16-cv-02469-GMN-GWF
13 Plaintiff,)	
)	
14 v.)	UNITED STATES' MOTION TO
)	CLARIFY SEPTEMBER MOTION
15 UNITED STATES OF AMERICA,)	DEADLINE AND, IF APPROPRIATE,
)	TO EXTEND
16 Defendant.)	(First Request)
17 _____)	

18 In light of the Court's granting of plaintiff's unopposed motion to extend the discovery
19 deadline by 21 days, the United States wishes to clarify whether the deadline for dispositive
20 motions is also extended and, if that was not the Court's intent, respectfully asks that the Court
21 extend the deadline a corresponding 21 days, from September 19, 2017, to October 10, 2017.
22 This is the United States' first request concerning the motion deadline specifically, though it had
23 supported plaintiff's earlier request to extend discovery.
24
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

2. Under the Court’s scheduling Order, discovery was set to close by August 20, 2017. (ECF 14 at 2). The Order further provided that dispositive motions “shall be filed not later than thirty (30) days after the discovery cut-off date, or on or before September 19, 2017.” (*Id.* at 2-3). During the discovery period plaintiff, who is *pro se*, filed an early motion for summary judgment. (ECF No. 17). The United States responded in opposition. Plaintiff asked the United States for 21-day extension of time to reply to the United States’ response. The undersigned had no objection, but asked if Mr. Young would agree to a request to extend the discovery period by 21 days given that the early motions practice could disrupt the schedule contemplated in the Order. Mr. Young agreed, and promptly moved for an additional 21 days of discovery, which the Court granted. (*See* ECF 25).

3. Discovery therefore closed on September 10, rather than August 20. Mr. Young has filed the pending summary judgment motion (ECF No. 17) and a motion for leave to amend it. (ECF No. 26). The United States filed a motion for relief under Rule 56(d) asking that if the Court did not deny plaintiff's summary judgment motion, it defer a ruling until the close of discovery. (ECF No. 20). The United States has not filed an independent dispositive motion, though it expects to do so.

2

1 4. The United States does not make this request to cause unnecessary delay, but to
2 review the record and present the issues to the Court as clearly as possible. Plaintiff's deposition
3 took place on September 5, 2017, and the undersigned counsel received discovery responses
4 from him that morning. The United States believes a summary judgment motion may eliminate
5 the need for trial on some or all issues. The United States seeks the same 30-day period to
6 review the record and prepare a cogent response that advances the litigation.

7 //

8 //

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

1
2 WHEREFORE, the United States seeks an order stating that the deadline for dispositive
3 and similar motions set for September 19, 2017, is now set for October 10, 2017, in conformity
4 with the extension to the discovery timeframe.

5
6 Respectfully submitted this 12^h day of September, 2017.

7
8 DAVID A. HUBBERT
9 Acting Assistant Attorney General

10 /s/ E. Carmen Ramirez
11 E. CARMEN RAMIREZ
12 Trial Attorney, Tax Division
13 U.S. Department of Justice
14 P.O. Box 683
Washington, D.C. 20044
202-616-2885 (v)
202-307-0054 (f)
E.Carmen.Ramirez@usdoj.gov

15 *Of Counsel:*

16 STEVEN W. MYHRE
17 Acting United States Attorney

18 *Attorneys for the United States*

19
20
21 IT IS SO ORDERED:

22 Dated this 29 day of October, 2017.

23 
24 Gloria M. Navarro, Chief Judge
25 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 IT IS HEREBY CERTIFIED that service of the foregoing has been made September 12,
3 2017, by placing a true and correct copy in the United States Mail, first class postage prepaid,
4 addressed to the following:

5 William L. Young
6 PO Box 5805
7 Concord, CA 89140

8 *Plaintiff*

9
10 /s/ E. Carmen Ramirez
11 E. Carmen Ramirez
12 Trial Attorney, Tax Division
13 U.S. Department of Justice
14
15
16
17
18
19
20
21
22
23
24
25